



DATE FILED 3/2/2012
APPLICATION NUMBER 2012-585
For office use only

**APPLICATION FOR CHANGE IN ZONING CLASSIFICATION
OR CHANGE IN CONDITIONS
(SEE FILING INSTRUCTIONS)**

TO: Town of Matthews Board of Commissioners
Town of Matthews Planning Board
232 Matthews Station Street
Matthews, North Carolina 28105-6713

Ladies and Gentlemen:

Your consideration of this petition is requested for:

- ☒ A change in zoning classification of the property hereinafter described; or
☐ A change in conditions to an existing conditional zoning plan.

215-162-03

Tax parcel number(s): _____
3424 Matthews-Mint Hill Road, Matthews, N.C. 28105

Address of property: _____
Southeast corner of Matthews-Mint Hill Road and Idlewild Road

Location of property:

Title to the property was acquired on July 14, 1999
and was recorded in the name of BNY Western Trust Company TOSCO Trust No. 1999-C
whose mailing address is Post Office Box 52085 DC-17, Phoenix, Arizona 85072-2085

The deed is recorded in Book 10614 and Page 576 in the office of the Register of
Deeds for Mecklenburg County.

Present zoning classification: B-2 (CD) Requested zoning classification: B-2 (CD)

List reason(s) why zoning should be changed (use separate sheet if necessary):

This property was rezoned during the current ownership. The current use is compliant and in keeping with the intended usage of the B-2 zoning. This proposed building raze and rebuild will enhance the appearance of the overall site and improve the site functionality.

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Signature of property owner (must be original)

Matt Haas, on behalf of BNY Western Trust
Company TOSCO Trust No. 1999-C

Print name of property owner

Post Office Box 52085 DC-17

Property owner's mailing address

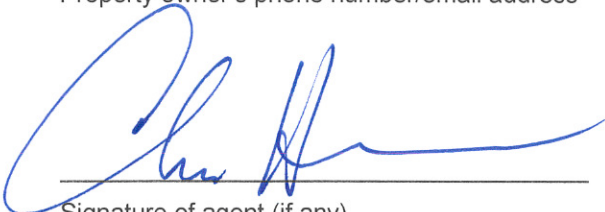
Phoenix, Arizona 85072-2085

Property owner's mailing address, continued

Property owner's mailing address, continued

704-519-0468 / MHass@CircleK.com

Property owner's phone number/email address



Signature of agent (if any)

Chris L. Hope, P.E.
Engineer for Petitioner

Print name of agent

2617 Rolling Hills Drive

Agent's mailing address

Monroe, NC 28110

Agent's mailing address, continued

Agent's mailing address, continued

704-219-3602 / chrishope@carolina.rr.com

Agent's phone number/email address

Signature of property owner (must be original)

Print name of property owner

Property owner's mailing address

Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's phone number/email address

Petitioner other than owner (if any)

Print name of petitioner

Petitioner's mailing address

Petitioner's mailing address, continued

Petitioner's mailing address, continued

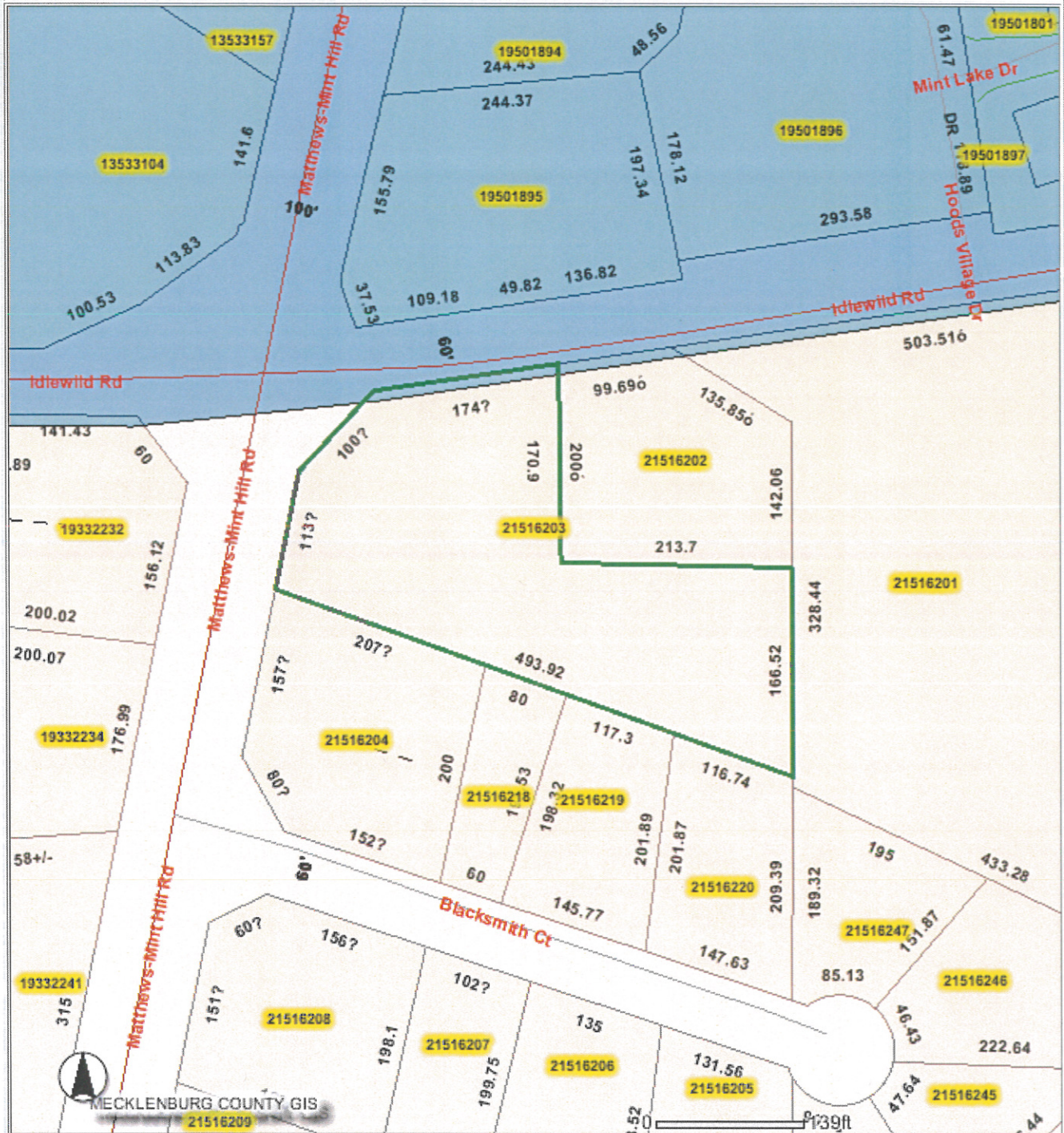
Petitioner's phone number/email address

Mecklenburg County, North Carolina

POLARIS

Property Ownership Land Records Information System

Date Printed: Mon Mar 05 2012 16:08:59 GMT-0500 (Eastern Standard Time)

21516203

This map is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

List all tax parcel numbers, names, and mailing addresses of all property owners subject to notification of this zoning application. Attach additional sheets if necessary.

See item #7 in instruction sheet titled "Instructions for Filing an Application for a Change in Zoning Classification or Change in Conditions for Property located in the Town of Matthews."

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19332232

TAX PARCEL

Rainbow Trout Properties, LLC

PROPERTY OWNER NAME(S)

2817 Belvedere Avenue

OWNER MAILING ADDRESS

Charlotte, NC 28205

OWNER MAILING ADDRESS, CONTINUED

21516201

TAX PARCEL

Trinity Fellowship Church of Charlotte

PROPERTY OWNER NAME(S)

13232 Idlewild Road

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

21516204

TAX PARCEL

James Henry Owen, Jr. and Joan Owen

PROPERTY OWNER NAME(S)

3412 Matthews-Mint Hill Road

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

21516219

TAX PARCEL

Robert J Robertson and Deborah Robertson

PROPERTY OWNER NAME(S)

13117 Blacksmith Court

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

19501895

TAX PARCEL

OTN Investments LLC and c/o Sams Mart LLC

PROPERTY OWNER NAME(S)

7935 Council Place #200

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

19501896

TAX PARCEL

Mint Hill Village LLC and c/o Sams Mart LLC

PROPERTY OWNER NAME(S)

7935 Council Place #200

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

21516218

TAX PARCEL

James Henry Owen, Jr. and Joan Owen

PROPERTY OWNER NAME(S)

3412 Matthews-Mint Hill Road

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

21516220

TAX PARCEL

Sally P Crespo and Maria L Echardi

PROPERTY OWNER NAME(S)

13129 Blacksmith Court

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

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21516202

TAX PARCEL

William Leon Hill and Janice H. Hill

PROPERTY OWNER NAME(S)

705 Brief Road West

OWNER MAILING ADDRESS

Indian Trail, NC 28079-8796

OWNER MAILING ADDRESS, CONTINUED

21516247

TAX PARCEL

Kim Scoggins and Ester Scoggins

PROPERTY OWNER NAME(S)

13137 Blacksmith Court

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

19332234

TAX PARCEL

Morningstar presbyterian Church

PROPERTY OWNER NAME(S)

15000 Idlewild Road

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

13533104

TAX PARCEL

Hoods Crossroads of Mint Hill, LLC

PROPERTY OWNER NAME(S)

4530 Park Road Suite 300

OWNER MAILING ADDRESS

Charlotte, NC 28209-3716

OWNER MAILING ADDRESS, CONTINUED

21516246

TAX PARCEL

Alexandra E. Folsbee

PROPERTY OWNER NAME(S)

13141 Blacksmith Court

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

SUMMARY OF THE REZONING PROCESS

PETITIONER: Fill in dates for each action below before filing application. Refer to the current Planning Department rezoning schedule for correct dates.

PROPERTY OWNERS: These dates are assumed to be correct at the time of zoning application submittal but are subject to revision. Contact the Planning Department (704-847-4411, extension 224) for verification.

Application submitted to and accepted by the Town of Matthews _____ March 2, 2012

Town Board of Commissioners formally accepts application and sets Public Hearing date _____ March 12, 2012

Notices sent via mail to affected/adjacent property owners on or before _____ March 26, 2012

Protest petition filed with Planning Department by 5:00 pm on _____ April 3, 2012

Public hearing: petitioner may give explanation of why s/he wishes to have property rezoned and neighboring owners may ask questions and voice opinions on the proposed zoning _____ April 9, 2012

Town Planning Board reviews petition, information, and comments from the public hearing, then makes a recommendation to the Board of Commissioners on whether to approve or deny the request _____ April 24, 2012

Town Board of Commissioners approves or denies application _____ May 14, 2012

GENERAL STATUTE 160A-385: CHANGES.

- (a) Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all the members of the city council. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered "members of the council" for calculation of the requisite supermajority. To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right of way shall not be considered in computing the 100-foot buffer area as long as that street right of way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district.
- (b) Amendments in zoning ordinances shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either (i) building permits have been issued pursuant to GS 160A-417 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to GS 160A-418 and unrevoked pursuant to GS 160A-422 or (ii) a vested right has been established pursuant to GS 160A-385.1 and such vested right remains valid and unexpired pursuant to GS 160A-385.1

List of adjacent Property Owners to Parcel #2156203

Hoods Crossroads of Mint Hill, LLC
4530 Park Road Suite 300
Charlotte, North Carolina 28209-3716

Rainbow Trout Properties LLC
2817 Belvedere Avenue
Charlotte, North Carolina 28205

Morningstar Presbyterian Church
15000 Idlewild Road
Matthews, North Carolina 28105

OTN Investments LLC and c/o Sam's Mart LLC
7935 Council Place #200
Matthews, North Carolina 28105

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Sally P. Crespo and Maria L. Echandi
13129 Blacksmith Court
Matthews, North Carolina 28105

Alexandra E. Folsbee
13141 Blacksmith Court
Matthews, North Carolina 28105

Kim Scoggins and Esther Scoggins
13137 Blacksmith Court
Matthews, North Carolina 28105

CHRIS L. HOPE, P.E.
ENGINEERING SERVICES

March 1, 2012

Town of Matthews
Attn: Mr. Jay Camp
232 Matthews Station Street
Matthews, NC 28105

Re: Circle K Convenience Store
3424 Matthews-Mint Hill Road
Matthews, North Carolina 28105
Application for Change in Zoning Classification

Mr. Camp,

This letter is to address how the request for rezoning at the above referenced site is reasonable and in conformance with adopted development goals and policies of the Town of Matthews.

This property is currently used as a convenience store with a stand alone car wash. It has been used as such since acquisition by the current owner in July of 1999. During this ownership the property was rezoned to B-2 (CD). The current and proposed use of Convenience Store with gasoline sales is permitted by right per section 153.060 (B) #67(b) of the Matthews Zoning Code which reads "Retail mini-markets for the sale of groceries, beverages, and incidental household goods with gasoline pump sales. B-2 only."

The applicant proposes the following changes to their existing site:

- a) Remove the existing Car wash building.
- b) Remove the existing convenience store.
- c) Existing gasoline canopy to remain.
- d) Remove the existing single dumpster enclosure
- e) Build a new larger convenience store building with improved architectural features (brick, metal roofing) to better blend in with the existing adjacent buildings.
- f) Build a new double dumpster enclosure to house both trash and recycling containers. The proposed enclosure will use brick to match the proposed building.
- g) Construct new sidewalks at Matthews-Mint Hill Road and Idlewild Road.
- h) Add an underground stormwater detention system to the site.
- i) Build new "right in, right out" traffic feature at the existing drive on Matthews-Mint Hill Road.

These changes, along with various others shown of the proposed site plan, will enhance the overall appearance of the site and contribute to improved traffic flow for vehicles entering and exiting the site and for vehicle maneuvering internally on-site.

The above outline demonstrates how this existing use complies with the B-2 zoning and how the proposed changes to the existing site will increase its conformity with the purpose stated in the Matthews Zoning Code.

Please feel free to contact me with any questions or if you require any further information.

Sincerely,



Chris L. Hope, P.E.